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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DONIS ARIEL MALDONADO,  
  
Defendant.

CASE NO. 1:21-CR-00027-JLT-SKO-5

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

DATE: February 15, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through their counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on February 15, 2023.
2. Counsel note the Court's direction to agree upon a trial date in filing the present stipulation. ECF 76 (minute order). However, Mr. Maldonado and his counsel have been before the Court for only a relatively brief time – since June 21, 2022. Codefendant Hernandez Rojo's case has been before the Court since January 14, 2021, and Mr. Hernandez Rojo very recently vacated his status date in order to enter a change of plea. Investigation, discovery, and negotiations between counsel are still ongoing with regard to Mr. Maldonado and counsel is not prepared to set a trial date at this time.
3. By this stipulation, defendant now moves to continue the status conference until May 31, 2023, and to exclude time between February 15, 2023, and May 31, 2023, under 18 U.S.C.

§ 3161(h)(7)(A), B(iv) [Local Code T4].

4. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes numerous reports, photographs, and recordings. The government has provided discovery and/or has made discovery available to counsel for review. The government is aware of its ongoing discovery obligations.

b) The parties are in ongoing plea negotiations.

c) Counsel for defendant desires additional time to consult with their client, review the current charges, conduct investigation, review/copy discovery, discuss potential resolutions with their client, prepare pretrial motions, and/or to otherwise prepare for trial.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 15, 2023, to May 31, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the

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Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 8, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ JESSICA A. MASSEY  
JESSICA A. MASSEY  
Assistant United States Attorney

Dated: February 8, 2023

/s/ KEVIN ROONEY  
KEVIN ROONEY  
Counsel for Defendant  
DONIS ARIEL MALDONADO

**ORDER**

The parties shall be prepared to select a mutually agreeable trial date at the next status conference.

IT IS SO ORDERED.

DATED: 2/10/2023

Sheila K. Oberto  
THE HONORABLE SHEILA K. OBERTO  
UNITED STATES DISTRICT JUDGE